

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andy H. Levine, David A. Melanson, and John C. Meade
Application No.: 10/726,011 Group: 3738
Filed: December 2, 2003 Examiner: Alvin J. Stewart
Confirmation No.: 2628
For: ANTI-OBESITY DEVICES

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>11/1/05</u>	<u>Margaret A. Norcutt</u>
Date	Signature
<u>Margaret A. Norcutt</u>	
Typed or printed name of person signing certificate	

REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated October 5, 2005, the claims of Group I (Claims 1-16) drawn to a delivery system are elected for prosecution. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

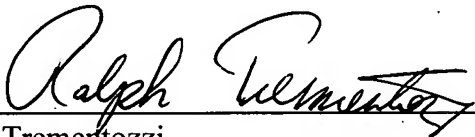
Responsive to the further requirement for an election of species, Applicants hereby elect Species II, referring to Figs. 42A-42B and 43 as the species. Claims that cover the elected species are claims 1-16.

Responsive to the further requirement for an election of sub-species, Applicants hereby elect Sub-species A, referring to Fig. 46 as the sub-species. Claims that cover the elected sub-species are claims 1-6, 9, and 14-16.

Responsive to the further requirement for a further election of sub-species, Applicants hereby elect Sub-species a, referring to Figs. 30-32. Although claims 1-16 are not readable on the elected sub-species, the elected claims do cover a device that could be used in combination with elected sub-species a. The elected Sub-species a is drawn to a gastrointestinal implant; whereas, the elected claims of Group I are drawn to a delivery device. Applicants reserve the right to amend or add claims that are readable on elected Sub-species a.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Ralph Trementozzi
Registration No. 55,686
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 11/1/2005